

Sixth Appellate District

San Jose, California

MONDAY, OCTOBER 15, 2007

H030855 PEOPLE v. ARTHUR PAGE-SMITH

The judgment is affirmed. (not published)  
(Mihara, Acting P.J.; We concur: McAdams, J., Duffy, J.)  
Filed October 15, 2007

The following cases are submitted this date:

H027313 PEOPLE v. SALDANA

H027528 PEOPLE v. BRADFORD

TUESDAY, OCTOBER 16, 2007

H031217 IN RE SHAWNA D.; DFCS v. SHAWN D.

The order terminating parental rights is conditionally reversed, and the matter is remanded to the juvenile court with directions that the Department of Family and Children's Services provide proper notice to all three Cherokee tribes and the Bureau of Indian Affairs. The Department is directed to file proof of receipt of such notice by the tribes and the Bureau of Indian Affairs, along with a copy of the notice and any responses. If, after receiving notice as required by the ICWA, no response indicates that Shawna is an Indian child, or the responses received indicate that she is not an Indian child within the meaning of the ICWA, the order terminating parental rights shall be immediately reinstated. If any tribe determines that Shawna is an Indian child within the meaning of the ICWA, the juvenile court shall conduct further proceedings applying the provisions of the ICWA, Welfare and Institutions Code section 360.6, and rule 5.664 of the California Rules of Court. (not published)  
(Elia, J.; We concur: Rushing, P.J., Premo, J.)  
Filed October 16, 2007

The following cases are submitted this date:

H029737 PEOPLE v. LOPEZ

H027847 PEOPLE v. TARANGO

H030733 PEOPLE v. MARTINEZ

The order of probation is affirmed. (not published)  
(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., Duffy, J.)  
Filed October 16, 2007

Sixth Appellate District

San Jose, California

WEDNESDAY, OCTOBER 17, 2007

H029316 PEOPLE v. JOHNSON, JR.

The order directing defendant to pay attorney fees is stricken. The matter is remanded for a hearing on defendant's ability to pay the actual costs of the legal services provided. The appeal is dismissed. (not published)  
(McAdams, J.; We concur: Bamattre-Manoukian, Acting P.J., Duffy, J.)

Filed October 17, 2007

H030460 OPERATING ENGINEERS LOCAL UNION NO. 3, et al. v. COUNTY OF MONTEREY, et al.

The judgment of the superior court is affirmed (not published)  
(McAdams, J.; We concur: Elia, Acting P.J., Bamattre-Manoukian, J.)

Filed October 17, 2007

H030649 PEOPLE v. HERNANDEZ

The judgment is affirmed. (not published)  
(Premo, J.; We concur: Rushing, P.J., Elia, J.)

Filed October 17, 2007

H030742 PEOPLE v. HERRERA

The judgment is affirmed. (not published)  
(Elia, J.; We concur: Rushing, P.J., Premo, J.)

Filed October 17, 2007

THURSDAY, OCTOBER 18, 2007

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Bamattre-Manoukian, Acting P.J.; Mihara, J.; McAdams, J.; and S. Nasson, Deputy Clerk.

H030934 PEOPLE v. LINGEFELT

Cause called and argued by Gene Vorobyov appearing for Appellant and by Christopher Grove, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H030620 PEOPLE v. HAMM

Cause called and argued by Ann White appearing for Appellant and by Rene Chacon, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

McAdams, J. leaves the bench. Duffy, J. takes the bench.

Sixth Appellate District

San Jose, California

Thursday, October 18, 2007 (continued)

H029630 PEOPLE v. USHIKOSHI

Cause called and argued by David Carico appearing for Appellant and by Aileen Bunney, Deputy Attorney General, appearing for Respondent. Cause ordered submitted. Manoukian, Acting P.J. leaves the bench. McAdams, J. takes the bench.

H029904 DALTON, et al. v. CENTURY 21 ALPHA, et al.

Cause called and argued by Ronald Rossi appearing for Appellants, by David Sylva appearing for Appellant Lambert, and by Benjamin Emmert appearing for Appellants Century 21 Alpha, et al. Cause ordered submitted.

H030341 EICHORN, et al. v. PALMONE, INC.; PULNER, et al. v. PALMONE, INC.

Cause called and argued by Todd Schneider appearing for Appellants and by Peter Hecker appearing for Respondent. Cause ordered submitted. Court is in recess until 1:30 p.m.

The Court reconvened at 1:30 p.m. in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Bamattre-Manoukian, Acting P.J.; McAdams, J.; Duffy, J.; and Jane Valdez Flor, Deputy Clerk.

H030847 CRAWFORD v. CITY OF SAN JOSE POLICE & FIRE RETIREMENT BOARD, et al.

Cause called and argued by Philip Crawford appearing in propria persona and by Margo Laskowska, Deputy City Attorney, appearing for Respondents. Cause ordered submitted.

H030272 CITY OF SAN JOSE v. OPERATING ENGINEERS LOCAL UNION NO 3, et al.

Cause called and argued by Robert Fabela, Deputy City Attorney, appearing for City of San Jose and by Arthur Akiba Krantz appearing for respondents.

H030937 COUNTY OF SANTA CLARA v. SERVICE EMPLOYEES INTERNATIONAL UNION LOCAL 535, et al.

Cause called and argued by Kristin Rosi appearing for Appellant and by Lori Pegg, Deputy County Counsel, appearing for Respondent County of Santa Clara. Cause ordered submitted. Court is adjourned.

Sixth Appellate District

San Jose, California

Thursday, October 18, 2007 (continued)

H030367 PEOPLE v. DICK

The judgment is affirmed. (not published)  
(Bamattre-Manoukian, Acting P.J.; We concur: Mihara, J., McAdams, J.)

Filed October 18, 2007

FRIDAY, OCTOBER 19, 2007

The following cases are submitted this date:

H031719 PEOPLE v. RODRIGO E.

H031029 PEOPLE v. CODY F.

H031018 PEOPLE v. JUAREZ

H031176 PEOPLE v. MARAVILLA

H031174 PEOPLE v. LEAL

H030622 PEOPLE v. BALESTRERI, et al.

H031674 In re RITA Q.; D.F.C.S. v. DAVID R.

H031277 AMERIQUEST MORTGAGE COMPANY, et al. v. FERREIRA, et al.

H031548 AMERIQUEST MORTGAGE COMPANY, et al. v. FERREIRA, et al.

H031047 PEOPLE v. STAMOS

H029431 PEOPLE v. MARQUEZ

The judgment is modified to stay the execution of sentence on counts 2, 4, 5 and 6 under section 654. As modified, the judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment and forward a certified copy of the amended abstract of judgment to the Department of Corrections and Rehabilitation. (not published)

(Rushing, P.J.; We concur: Premo, J., Elia, J.)

Filed October 19, 2007

H030388 GONZALEZ v. TAN LINES

The judgment is affirmed. (not published)

(Rushing, P.J.; We concur: Premo, J., Elia, J.)

Filed October 19, 2007

H029737 PEOPLE v. LOPEZ

The opinion filed on June 27, 2007, is vacated. On reconsideration as ordered by our Supreme Court, the judgment is affirmed. (not published)

(Premo, Acting P.J.; We concur: Elia, J., McAdams, J.)

Filed October 19, 2007

H030757 SCHOENFELD v. CITY OF WALNUT CREEK

The judgment is reversed. (not published)

(Duffy, J.; We concur: Bamattre-Manoukian, Acting P.J., Mihara, J.)

Filed October 19, 2007

Sixth Appellate District

San Jose, California

Friday, October 19, 2007 (continued)

H031036 PEOPLE v. HERRERA

The judgment is reversed. The case is remanded. The trial court is directed to strike the requirement that defendant register as a sex offender and then conduct further proceedings to determine whether he is subject to discretionary registration pursuant to section 290, subdivision (a)(2)(E); and if so, to exercise its discretion whether to require defendant to register under that provision. The trial court shall then enter a new judgment. (not published)

(Rushing, P.J.; We concur: Premo, J., Elia, J.)

Filed October 19, 2007

H031016 MICHAEL v. SMARTPARKS-SAN JOSE, INC.

The judgment is affirmed. (not published)

(Elia, J.; We concur: Rushing, P.J., Premo, J.)

Filed October 19, 2007

H031336 VASSALLO v. NAYA NETWORKS, INC.

By the Court:

On the court's own motion, the submission order of September 4, 2007, is hereby vacated for the purpose of augmenting the record on appeal. The record on appeal is deemed augmented to include the minute order of January 23, 2007, a copy of which is attached hereto. The cause herein is ordered submitted.

Dated: October 19, 2007

Bamattre-Manoukian, Acting P.J.

H030104 PEOPLE v. KUREK

The judgment is affirmed. (not published)

(Bamattre-Manoukian, Acting P.J.; We concur: Mihara, J., Duffy, J.)

Filed October 19, 2007

H030822 In re BETTENCOURT on Habeas Corpus

Filed modification of opinion with no change in the judgment. (not published)

(Bamattre-Manoukian, Acting P.J., Mihara, J., McAdams, J.)

Filed October 19, 2007